

ASSEMBLY BILL

No. 902

Introduced by Assembly Member Bogh

February 18, 2005

An act to amend Section 19827.3 of the Government Code, relating to state employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 902, as introduced, Bogh. State employees: State Bargaining Unit 8: compensation.

Existing law provides that in order for the state to recruit skilled firefighters for the California Department of Forestry and Fire Protection, it is the policy of the state to consider prevailing salaries and benefits prior to making salary recommendations. Existing law requires the Department of Personnel Administration, in order to provide comparability in pay, to take into consideration the salary and benefits of other jurisdictions employing 75 or more full-time firefighters who work in California.

This bill would require the state to pay rank and file members of State Bargaining Unit 8 the estimated average total compensation for each corresponding rank the average salary and benefits received by other jurisdictions employing 75 or more full-time firefighters who work in California. The bill would require the state and the exclusive representative for State Bargaining Unit 8 to jointly survey annually and calculate the estimated average total compensation based on projected average total compensation for these jurisdictions as of July 1 of the year in which the survey is conducted.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 19827.3 of the Government Code is amended to read:

19827.3. ~~In (a) (1) Notwithstanding any other provision of law to the contrary, in order for the state to recruit skilled firefighters and retain the highest qualified employees for the California Department of Forestry and Fire Protection, it is the policy of the state to consider prevailing salaries and benefits prior to making salary recommendations. In order to provide comparability in pay, the Department of Personnel Administration shall take into consideration the salary and benefits of~~ shall pay rank and file members of State Bargaining Unit 8 the estimated average total compensation for each corresponding rank the average of salary and benefits received by other jurisdictions employing 75 or more full-time firefighters who work in California. Total compensation shall include base salary, educational incentive pay, physical performance pay, longevity pay, and retirement contributions made by the employer on behalf of the employee.

(2) The state and the exclusive representative for State Bargaining Unit 8 shall jointly survey annually and calculate the estimated average total compensation based on projected average total compensation for the jurisdictions described in paragraph (1) as of July 1 of the year in which the survey is conducted. The state and the exclusive representative shall utilize the survey methodology outlined in the "Description of Survey Process Pursuant to Government Code 19827 Regarding the Recruitment and Retention of California Highway Patrol Officers" dated July 1, 2001, and maintained as a permanent agreement between the state and the exclusive representative of State Bargaining Unit 5.

(3) Any increase in total compensation resulting from this section shall be implemented through a memorandum of understanding negotiated pursuant to the Ralph C. Dills Act (Chapter 10.3 (commencing with Section 3512) of Division 4 of Title 1). Notwithstanding the foregoing, failure of the parties to reach agreement for a memorandum of understanding pursuant to the Ralph C. Dills Act shall not relieve the state of the duty to

1 *compensate sworn represented members of State Bargaining*
2 *Unit 8 in accordance with the formula set forth in this section.*

3 *(4) The total compensation for represented members of State*
4 *Bargaining Unit 8 may deviate from the survey results by mutual*
5 *agreement between the exclusive representative and the state*
6 *pursuant to the collective bargaining process.*

7 *(5) If the provisions of this subdivision are in conflict with the*
8 *provisions of a memorandum of understanding reached pursuant*
9 *to Section 3517.5, the memorandum of understanding shall be*
10 *controlling without further legislative action, except that if the*
11 *provisions of a memorandum of understanding require the*
12 *expenditure of funds, the provisions shall not become effective*
13 *unless approved by the Legislature in the annual Budget Act.*

14 *(b) When determining compensation for state classifications*
15 *supervising State Bargaining Unit 8 members, it is the policy of*
16 *the state to consider total compensation for corresponding ranks*
17 *within jurisdictions specified in subdivision (a), as well as other*
18 *factors, including internal comparisons.*